

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH DAKOTA  
CENTRAL DIVISION

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\*  
TONY BANGSTON, \* FILE NO. 17-CV3007  
\*  
Plaintiff, \*  
\*  
vs. \* JOINT MOTION TO  
\* STAY PROCEEDINGS  
CHARLES BAKER TRUCKING, LCC and \*  
CHARLES BAKER d/b/a CHARLES \*  
BAKER FARMS, \*  
\*  
Defendants. \*  
\*  
\*  
\*\*\*\*\*

Plaintiff commenced this action against the Defendants, in part, as a precautionary and protective lawsuit to avoid the running of the statute of limitations on Plaintiff's potential claims against the Defendants.

The Plaintiff has pending before the Department of Labor, a worker's compensation claim against these same Defendants. In that proceeding, the parties have taken depositions and exchanged written discovery. The Defendants have filed Motions for Summary Judgment, and the briefs have been submitted to the Administrative Law Judge for the Department of Labor on those Motions.

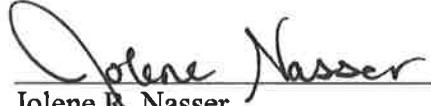
The worker's compensation proceeding includes some of the same issues as are asserted in this action. The parties believe that it would be in the best interest of everyone to have a final resolution of the state proceedings, because the outcome of those proceedings may bear on some of the same issues asserted in this case.

A Federal District Court has the inherent power to control its docket and in doing so, can stay the federal case pending resolution of ongoing state proceedings. *Lunde v. Helms*, 898 F.2d 1343, 1345 (8<sup>th</sup> Cir. 1990).

The parties respectfully request that this Court stay all further proceedings in this action pending the final resolution of the state proceedings.

Dated this 23<sup>rd</sup> day of June, 2017.

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Dated this 27<sup>th</sup> day of June, 2017.

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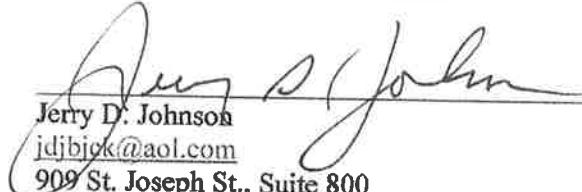
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Dated this 26<sup>th</sup> day of June, 2017.

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